



**MINUTES  
FREMONT PLANNING COMMISSION  
REGULAR MEETING OF SEPTEMBER 11, 2014**

**CALL TO ORDER:** Chairperson Pentaleri called the meeting to order at 7:00 p.m.

**PRESENT:** Chairperson Pentaleri, Commissioners Bonaccorsi, Dorsey, Jones, Karipineni, Leung, Reed

**ABSENT:** None

**STAFF PRESENT:** Wayne Morris, Principal Planner  
Prasanna Rasiah, Deputy City Attorney  
Steve Kowalski, Associate Planner  
Alice Malotte, Recording Clerk  
Chavez Company, Remote Stenocaptioning  
Walter Garcia, Video Technician

**APPROVAL OF MINUTES:** Regular meeting of July 1, 2014, approved as submitted, with **Commissioner Dorsey** abstaining because she was absent from that meeting.  
Approval of regular meetings of June 26 and July 10, 2014, were continued to the next meeting.

**Commissioner Reed** called for a moment of silence in honor of September 11, 2001.

**DISCLOSURES:** **Commissioner Dorsey** drove by Item 2 site and met with Housing Director and Project Assistant for Habitat for Humanity. **Vice Chairperson Jones** and **Commissioner Leung** also drove by Item 2 site and met with Applicant. **Commissioner Karipineni** held telephone conversation with Item 2 Applicant. **Commissioner Bonaccorsi** met with Item 2 Project Manager at Commissioner Bonaccorsi's office and saw him at Starbucks a week later before he was to meet with **Commissioner Dorsey**. **Chairperson Pentaleri** met with Item 2 Applicant.

## CONSENT CALENDAR

THE CONSENT CALENDAR CONSISTED OF ITEM NUMBERS 1 AND 2.

IT WAS MOVED (BONACCORSI/JONES) AND UNANIMOUSLY CARRIED BY ALL PRESENT THAT THE PLANNING COMMISSION TAKE THE FOLLOWING ACTIONS ON ITEM NUMBERS 1 AND 2.

- Item 1. **LOPES COURT GENERAL PLAN CONFORMITY FINDING – Terminus of Lopes Court – (PLN2015-00041)** – To consider a General Plan Conformity Finding regarding the City's acquisition of three separate Assessor's parcels comprising 2.53 acres located at the terminus of Lopes Court in the Warm Springs/South Fremont Community Plan Area, and to consider an exemption from the requirements of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15378, definition of a project.

FOUND THAT THE GENERAL PLAN CONFORMITY FINDING FOR THE THREE LOPES COURT PARCELS ARE NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PER CEQA GUIDELINES SECTION 15378, IN THAT THEY ARE NOT PROJECTS AS DEFINED BY CEQA;

AND

FOUND THAT THE LOCATION, PURPOSE AND EXTENT OF THE PROPOSED ACQUISITION OF PROPERTY UNDER PLN2015-00041 (APNS 519-1310-50-1, 519-1310-50-2, 519-1310-50-3) AS SHOWN ON EXHIBIT “A” IS IN CONFORMANCE WITH THE GENERAL PLAN AS DESCRIBED IN THE STAFF REPORT.

- Item 2. **CENTRAL COMMONS BY HABITAT FOR HUMANITY - 4369 Central Avenue – (PLN2014-00250)** - To consider a Rezoning from Planned District P-2005-278(CSPC) to Preliminary and Precise Planned District P-2014-250, Vesting Tentative Tract Map No. 8180, a Private Street, and a Design Review Permit for a 30-unit affordable residential condominium development on a vacant 1.13-acre parcel, and to consider a Mitigated Negative Declaration prepared for the proposed project in accordance with the requirements of the California Environmental Quality Act (CEQA).

RECOMMEND THAT THE CITY COUNCIL:

ADOPT THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM FOR THE PROJECT AS SHOWN IN EXHIBIT “A,” AND FIND ON THE BASIS OF THE WHOLE RECORD BEFORE IT (INCLUDING THE INITIAL STUDY AND ANY COMMENTS RECEIVED) THAT THERE IS NO SUBSTANTIAL EVIDENCE THAT THE PROJECT

WOULD HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AND THAT THIS ACTION REFLECTS THE INDEPENDENT JUDGMENT OF THE CITY OF FREMONT;

AND

FIND THE PROJECT IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S GENERAL PLAN, INCLUDING THE DESIGNATED GOALS AND POLICES SET FORTH IN THE LAND USE, SAFETY AND COMMUNITY PLANS ELEMENTS AS WELL AS THE HOUSING ELEMENT OF THE GENERAL PLAN, AS ENUMERATED IN THE STAFF REPORT;

AND

FIND PRELIMINARY AND PRECISE PLANNED DISTRICT P-2014-250 AS PER EXHIBIT "C" FULFILLS THE APPLICABLE REQUIREMENTS SET FORTH IN THE FREMONT MUNICIPAL CODE;

AND

FIND THAT THE PROPOSED SUBDIVISION AND PRIVATE STREETS AS SHOWN IN EXHIBIT "C" ARE CONSISTENT WITH THE GOALS, POLICIES AND IMPLEMENTATION ACTIONS OF THE CITY OF FREMONT'S GENERAL PLAN. GOVERNMENT CODE SECTION 66474 AND FMC SECTION 17.20.200 PROVIDE THAT A TENTATIVE MAP APPLICATION MUST BE DENIED IF CERTAIN SPECIFIED FINDINGS ARE MADE. NONE OF THOSE FINDINGS CAN BE MADE IN THIS INSTANCE AS SET FORTH IN THIS REPORT AND EXHIBIT "E;"

AND

INTRODUCE AN ORDINANCE APPROVING A REZONING FROM PLANNED DISTRICT P-2005-278(CSPC) TO PRELIMINARY AND PRECISE PLANNED DISTRICT P-2014-250 AS SHOWN ON EXHIBIT "B" AND APPROVING THE PRELIMINARY AND PRECISE PLAN AS SHOWN ON EXHIBIT "C" AND THE USE AND DEVELOPMENT PROVISIONS SET FORTH IN EXHIBIT "D," BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT "E;"

AND

APPROVE VESTING TENTATIVE TRACT MAP NO. 8180, PRIVATE STREET, AND DESIGN REVIEW PERMIT AS SHOWN IN EXHIBIT "C," BASED UPON THE FINDINGS AND SUBJECT TO THE CONDITIONS OF APPROVAL SET FORTH IN EXHIBIT "E;"

AND

APPROVE THE PROPOSED REDUCTION IN ON-SITE GUEST PARKING BASED UPON THE FINDINGS AND SUBJECT TO THE CONDITIONS OF APPROVAL SET FORTH IN EXHIBIT "E;"

AND

APPROVE THE PROPOSED REMOVAL AND MITIGATION FOR ONE (1) PRIVATE, PROTECTED TREE, PURSUANT TO THE TREE PRESERVATION ORDINANCE BASED UPON THE FINDINGS AND SUBJECT TO THE CONDITIONS OF APPROVAL SET FORTH IN EXHIBIT "E;" AND

AND

DIRECT STAFF TO PREPARE AND THE CITY CLERK TO PUBLISH A SUMMARY OF THE ORDINANCE.

The motion carried by the following vote:

AYES: 7 – Bonaccorsi, Dorsey, Jones, Karipineni, Leung, Pentaleri, Reed  
NOES: 0  
ABSTAIN: 0  
ABSENT: 0  
RECUSE: 0

## **PUBLIC/ORAL COMMUNICATIONS**

### **PUBLIC HEARING ITEMS**

None.

### **DISCUSSION ITEMS**

### **MISCELLANEOUS ITEMS**

Information from Commission and Staff:

- Information from staff: Staff will report on matters of interest.

**Principal Planner Morris** announced that the September 25<sup>th</sup> meeting would be a Work Session on the State Street Project.

He would poll the Commission concerning attendance at a Special Meeting to be held on October 15<sup>th</sup> for the State Street Project.

**Commissioner Bonaccorsi** asked of the Study Session would be held before 7:00 p.m., since he and **Vice Chairperson Jones** would be attending a meeting before 7:00 p.m.

**Chairperson Pentaleri** stated that he would be “on an airplane” on October 16<sup>th</sup>.

**Commissioner Dorsey** also would not be available on October 16<sup>th</sup>.

**Principal Planner Morris** stated that the Special Meeting could be modified, if necessary.

**Deputy City Attorney Rasiah** clarified that the Tesla Master Sign Program would be handled administratively and would not be publically noticed. However, comments made during the last Planning Commission hearing regarding the Conditional Use Permit would be taken into consideration.

- Report on actions of City Council Regular Meeting

None.

- Information from Commission: Commission members may report on matters of interest.

Meeting adjourned at 7:12 p.m.

SUBMITTED BY:



Alice Malotte  
Recording Clerk

APPROVED BY:



Wayne Morris, Secretary  
Planning Commission